



CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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PLANNING COMMISSION

TUESDAY, FEBRUARY 22, 2005

CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA

COMMISSIONERS

CHAIR CHARLES D. WESTON
VICE-CHAIR RALPH LYLE
COMMISSIONER H. GENO ACEVEDO
COMMISSIONER ROBERT J. BENICH
COMMISSIONER ROBERT L. ESCOBAR
COMMISSIONER SUSAN KOEPP-BAKER
COMMISSIONER JOSEPH H. MUELLER

REGULAR MEETING - 7:00 P.M.

*** A G E N D A ***

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

MINUTES: February 8, 2005

NEW BUSINESS:

1. **ZONING AMENDMENT, ZA-04-15/SUBDIVISION, SD-04-05/DEVELOPMENT AGREEMENT, DA-04-03: HILL-GERA:** A request for approval of a zoning amendment, subdivision, and development agreement for the construction of nine single-family homes on an approximate nine-acre site located west side of Hill Rd., between Pear Dr. and Jean Ct. Approval of the zoning amendment application would establish a precise development plan for the nine-lot subdivision as well as four existing lots north of Jean Ct. (approx. 10 acres) which are proposed to be subdivided in the future. The overall 19-acre site is zoned Residential Estate (40,000)/Residential Planned Development. (APNs 728-07-047, -048, -050, & -051 and 728-08-014 & -015)

Recommendation: Open Public Hearing/Approve Mitigated Negative Declaration/Adopt Resolution Nos. 05-09 (zoning amendment), 05-10 (subdivision), and 05-11 (development agreement), with recommendation to forward the requests to the City Council for approval.

2. **ZONING AGREEMENT AMENDMENT, ZAA-02-18: COCHRANE-IN-N-OUT BURGER/APPLEBEE'S:** A request for approval to amend the provisions of a zoning amendment approval allowing for the construction of a 3,253-sf drive-thru, fast food restaurant and a sit down restaurant 5,000 to 6,500-sf in size in the Tharaldson Planned Unit Development (PUD). Specifically, the applicant is requesting a one-year extension of time for the construction of the two restaurants. The subject site is approximately 2.5 acres in size, and is located at the northwest quadrant of Cochrane Road and Highway 101 in a PUD zoning district. (APNs 726-33-023 & -024)

Recommendation: Open Public Hearing/Adopt Resolution No. 05-12, with recommendation to forward request to the City Council for approval.

3. **EXTENSION OF TIME, EOT-04-04: COCHRANE-IN-N-OUT BURGER:** A request for approval of a one-year extension of time for a conditional use permit allowing the construction and operation of a 3,253-sf drive-thru, fast food restaurant in the Tharaldson Planned Unit Development (PUD). The subject site is approximately 1.48 acres in size and is located at the northwest quadrant of Cochrane Road and Highway 101 in a PUD zoning district. (APN 726-33-024)

Recommendation: Open Public Hearing/Adopt Resolution No. 05-13, approving request.

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4. **ZONING AMENDMENT, ZA-05-02: TEXT AMENDMENT-MONUMENT SIGNS/FORD MOTOR CO.:** A request for approval to amend the City Sign Code to increase the allowable sign area for monuments signs in Commercial and Industrial Zoning Districts by two feet, thereby allowing monument signs up to a maximum 50 square feet in size.

Recommendation: Open Public Hearing/Adopt Resolution No. 05-14, with recommendation to forward the requests to the City Council for approval.

TENTATIVE AGENDA ITEM FOR THE MARCH 1, 2005 SPECIAL MEETING:

- **Final award and distribution of the RDCS (Measure C) building allotments for FY 2006-07 and FY 2007-08 Competitions**

TENTATIVE AGENDA ITEMS FOR THE MARCH 8, 2005 MEETING:

- **UPA-97-08: John Wilson-Oakwood Country School**
- **ZAA-04-01: Tilton-Glenrock**
- **SD-04-16: Tilton-Glenrock**
- **DA-04-08: Tilton-Glenrock**

ANNOUNCEMENTS:

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

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NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.